

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JACKSON LEWIS LLP  
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*Attorneys for Defendant Mediacom Communications  
Corporation*

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MIRIAM BAUZA,	:
	:
Plaintiff,	:
	:
- against -	:
	:
MEDIACOM COMMUNICATIONS	:
CORPORATION,	:
	:
Defendant.	:
-----X	

Case No. 07 CIV. 6542 (CLB)

**AFFIRMATION OF GREG RIOLO , ESQ. IN  
SUPPORT OF DEFENDANT'S REPLY  
MEMORANDUM OF LAW IN SUPPORT OF  
DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT**

GREG RIOLO, ESQ., an attorney duly admitted to practice before this Court and the courts of the State of New York, hereby affirms under penalty of perjury that the following statements are true:

1. I am a partner in the law firm of Jackson Lewis LLP, counsel for Defendant Mediacom Communications Corporation (hereinafter "Defendant") in the above-entitled matter.
2. I am fully familiar with the facts and circumstances contained herein, based on a review of the files and records in this matter. This Affirmation is submitted in support of Defendant's reply memorandum of law in support of defendant's motion for summary judgment.

3. The affidavit of Mediacom's Senior Director of Human Resources Judy Mills is annexed hereto as Exhibit **A**.

4. On March 19, 2008, Defendant took the deposition of Plaintiff Miriam Bauza. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit **B**.

5. On March 17, 2008, Plaintiff took the deposition of Mediacom's Senior Director of Human Resources Judy Mills. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit **C**.

6. On March 17, 2008, Plaintiff took the deposition of Mediacom's Senior Director of Finance Joe Michulski. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit **D**.

7. On March 17, 2008, Plaintiff took the deposition of Mediacom's Senior Payroll Manager Regina Burgos. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit **E**.

8. A true and correct copy of the relevant pages of Mediacom's Employee Handbook is annexed hereto as Exhibit **F**.

9. A true and correct copy of the ten (10) notices of short-term disability overpayment wherein an employee received an improper benefit payment as a result of an early return from leave is annexed hereto as Exhibit **G**.

10. A true and correct copy of the two (2) notices of short-term disability overpayment wherein an employee received an improper benefit as a result of a miscalculation by Aetna is annexed hereto as Exhibit H.

11. Copies of all unreported decisions cited in Defendant's accompanying Memorandum of Law are annexed hereto for the Court's convenience as Exhibit I.

WHEREFORE, for the reasons set forth in Defendant's accompanying Memorandum of Law, Defendant respectfully requests that this Court grant its motion for summary judgment in its entirety.

I have read the above fifteen (15) numbered paragraphs and know them to be true to my own knowledge or upon information and belief.

A handwritten signature in black ink, appearing to read 'G. Riolo', is written above a horizontal line.

GREG RIOLO

Dated: July 3, 2008  
White Plains, New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIRIAM BAUZA,

Plaintiff,

- against -

MEDIACOM COMMUNICATIONS  
CORPORATION,

Defendant.

Case No. 07 CIV. 6542 (CLB)

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Affirmation Of Greg Riolo, Esq. In Support Of Defendant's Reply Memorandum of Law In Support Of Defendant's Motion For Summary Judgment has been filed via ECF and served via First Class mail, postage prepaid, this 3<sup>rd</sup> day of July, 2008, on counsel for Plaintiff at the address set forth below:

Craig M. Bonnist, Esq.  
Bonnist & Cutro, LLP  
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*Attorneys for Plaintiff*

Greg Riolo